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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David P. Bour; Nathan F. Gardner; Werner K. Goetz; Stephen A. Stockman; Tetsuya Takeuchi; Ghulam Hasnain; Christopher P. Kocot; Mark R. Hueschen

Assignee: Lumileds Lighting U.S. LLC

Title: Light Emitting Diodes With Graded Composition Active Regions

Serial No.: 09/912,589 Filing Date: July 24, 2001

Examiner: Wai Sing Louie Group Art Unit: 2814

Docket No.: M-8772 US

San Jose, California

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF APPLICANTS PURSUANT TO 37 C.F.R. 1.131

Dear Sir:

David P. Bour, Nathan F. Gardner, Werner K. Goetz, Stephen A. Stockman, Tetsuya Takeuchi, Ghulam Hasnain, Christopher P. Kocot, and Mark R. Hueschen declare as follows:

1. We are co-inventors in the above-referenced patent application.
2. Attached hereto as Exhibit A is a portion of a figure prepared by one of us prior to May 29, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent claims 9 and 25.
3. Also attached hereto as Exhibit B is a portion of a figure prepared by one of us prior to May 29, 2001 which shows a simulated band structure for a portion of a light emitting device covered by independent claim 9.
4. The simulated band structures of Exhibits A and B demonstrate that the inventions would work for their intended purpose.

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Date

Mark Hueschen
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October 27, 2004
Date

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